

VERDIRAMO & VERDIRAMO P.A.

COUNSELORS AT LAW

VINCENT L. VERDIRAMO*
VINCENT S. VERDIRAMO

*MEMBER N.J. AND FLA. BAR

3163 KENNEDY BOULEVARD, JERSEY CITY, NEW JERSEY 07306
TELEPHONE: 201-798-7082 TELECOPIER: 201-798-4627
E-MAIL: VERDIRAMO@AOL.COM

NEW YORK OFFICE

20 EXCHANGE PLACE
43RD FLOOR
NEW YORK, NEW YORK 10005
TELEPHONE: 212-338-9100
TELECOPIER: 212-338-9088

OF COUNSEL

GIANCARLO COSTA†

†LICENSED IN ITALY ONLY

ROME OFFICE

VIALE GIULIO CESARE, 71
00192 ROMA
TELEPHONE: 063225545
TELECOPIER: 063225548
WWW.STUDIOAVV.COM

VIA FACSIMILE AND REGULAR MAIL

July 6, 2012

Honorable Eric N. Vitaliano
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: USA V. CICALESE, ET ALS
CASE NO.: 1:11-CR-00027-ENV-4

Dear Judge Vitaliano:

As Your Honor may recall, this office represents Defendant Rocco Ferrandino in connection with the above referenced matter. On April 25, 2012 the Court set out a motion schedule which calls for defense motions to be filed with Your Honor next week. I am writing, with the consent of AUSA Taryn Merkl and counsel for co-defendant Christopher Patella for an adjournment of said dates for the reasons as described below.

My client, Mr. Ferrandino, is also a co-defendant in a "companion case" to this case which is currently pending in the District of New Jersey. That case is currently scheduled to go to trial at the end of October 2012. The Government, however, recently wrote the Court in New Jersey requesting a four month adjournment of said trial due to the untimely medical leave which AUSA Kasulis required as a result of complications in her pregnancy. It is now anticipated that the Newark matter will go to trial in January 2013 and will take two to three months to try. Ms. Kasulis was to be lead Prosecutor in both the New Jersey case and the case before Your Honor.

Throughout these proceedings it had always been the understanding of both the Government and myself that the Brooklyn matter would proceed after the conclusion of the New Jersey matter. In the New Jersey matter my client is charged with commission of the substantive underlying crime which is the basis of the 1001 violation, and the obstruction violation pending before Your Honor. Accordingly, it was the position of both the Government and myself that the Newark matter would proceed first and that we would then proceed with a disposition of the Brooklyn

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matter, either by way of motion, trial, plea, etc.

In light of the foregoing, it is all counsels' respective opinion that proceeding with the current motion schedule is unduly burdensome in that because of the other trial and other schedules, this matter before Your Honor most probably will not proceed to trial until sometime in the spring 2013 at the earliest.

During a joint telephone conference today, all counsel conferred and we would propose to Your Honor the following revised motion schedule in this matter as follows:

1. Defense motions due October 12, 2012.
2. Government response due November 12, 2012.
3. Defendants' reply due December 7, 2012.
4. Argument on motions to be set by the Court.
5. We would also request that the currently scheduled status conference of September 14, 2012 at 2:30 p.m. be adjourned to a date to be set by the Court.

All parties consent to a tolling of the time for Speedy Trial Act purposes.

Thanking Your Honor for your consideration of the foregoing, I remain

Respectfully yours,

VERDIRAMO & VERDIRAMO, P.A.

By: 

Vincent S. Verdiramo

VSV/mf

cc: Taryn Merkl, AUSA (Via facsimile and regular mail)
Christopher Patella, Esq. (Via facsimile and regular mai)